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10/564,723	07/05/2006	Kurt Roosen	Q92725	9868

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EXAMINER
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OVANDO, PABLO R

ART UNIT	PAPER NUMBER
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2614

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12/28/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/564,723

Applicant(s)

ROOSEN ET AL.

Examiner

Pablo R. Ovando

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 21-30 is/are rejected.
- 7) ☐ Claim(s) 11-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

**The headings mentioned above are requested.**

### ***Claim Objections***

**Claim 1**, further clarification regarding the indication that one of the end points is the calling number is required.

**Claim 3 and 4**, clarification regarding the correlation between the PSTN connection and the communication link in claim 1 is required. Is the PSTN connection the connection link mentioned in claim 1?

**Claims 11-20** are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 10. See MPEP § 608.01(n). Accordingly, the claims 11-20 have not been further treated on the merits.

**Claim 12** depends on itself. Examiner will assume it depends on claim 11 and thus falls under the multiple dependency category mentioned above.

**Claims 12 and 16** lack the expression "wherein the".

**Claim 22**, it is not clear which means adapted comprises the control means.

**Claims 21-25**, the relationship between the calling number and calling party should be made clear.

**Claim 25**, the word "such connections" is not clear. Further clarification regarding which connection applicant is referring to is required.

**Claims 21, 27, 29 and 30** were drafted as separate claims. However, it appears they are related to the same subject matter. A revision of the claims to provide more consistency between the terminology used for the features is required.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-5, 8, 9, 10 (as it depends on claims 1-5 and 8-9), 21, 26 (as it depends on claim 21) and 29** are rejected under 35 U.S.C. 102(e) as being anticipated by Corb et al, WO 03/021461 (hereinafter referenced as Corb).

As to **claim 1**, Corb teaches a method of establishing a communication between at least two end-points (page 11, lines 6-15), comprising:  
receiving an identifier of a calling number and an identifier of an action (page 11, lines 6-15 and 19-21 teach that the calling number is entered for the purpose of making a call) ;  
establishing a communication link to the calling number (page 11, lines 6-15, note that both numbers are signaled to ring);  
establishing a communication link in dependence on said action (page 11, lines 6-15, note that the communication link is made in response to the user wanting to make a

call); and connecting the communication links in an IP domain (page 11, lines 6-15, note that the calls are connected using a VoIP network).

As to **claim 2**, Corb teaches that the step of connecting the communication links is performed by controlling an IP routing device (fig. 31 Edge gateway 212).

As to **claim 3**, Corb teaches that the IP routing device may establish a PSTN connection to the calling number (page 10, lines 11-17).

As to **claim 4**, Corb teaches that the action is to establish a telephone call to a called number (page 6, lines 6-15), wherein the IP routing device establishes a PSTN connection to the called number (note the connection between Edge Gateway 212 PSTN 202 and Telephone device 102) and connects the established PSTN connections to the calling number and the called number in the IP domain (page 11, lines 6-15).

As to **claim 5**, Corb teaches that the IP routing device is controlled to establish the PSTN connections to the calling party and the called party at terminals thereof, the IP routing device being further adapted to connect said terminals internally (page 8 lines 12-15 and page 11, lines 6-15).

As to **claim 8**, Corb teaches that the action is to establish a PSTN connection to a plurality of called numbers, wherein the IP routing device connects the plurality of called numbers to the calling number in the IP domain (page 11 lines 30-36).

As to **claim 9**, Corb teaches that the IP routing device being further adapted to route said connections to a mixing server in the IP domain (page 5 lines 12-16, note that a mixing server is equivalent to the conferencing server).

As to **claim 10/1 (notation: 10/1, wherein 10 depends on 1)**, Corb teaches a method according to any preceding claim wherein the step of receiving an identifier of a calling number comprises identifying the originating number of a request for the action (page 11, lines 6-15).

As to **claims 10/2-10/5 and 10/8-10/9**, Corb teaches a method according to any preceding claim wherein the step of receiving an identifier of a calling number comprises identifying the originating number of a request for the action (page 11, lines 6-15).

As to **claim 21**, Corb teaches a communication element (fig. 31 web server 230) adapted to establish a communication between at least two end-points (page 11, lines 6-15), comprising: means adapted for receiving a request including an identifier of a calling number and an identifier of an action (page 11, lines 6-15 and 19-21 teach that the calling number is entered for the purpose of making a call. Additionally, col. 5 lines 22-24 teach that the user sends commands via web server 230. Page 4 lines 36 to page 5, line 1 teach a web client on personal device 226 is used to communicate with web server 230); means adapted for establishing a communication link to the calling number (page 11, lines 6-15, note that both numbers are signaled to ring); means adapted for determining a communication link in dependence on said action (page 11, lines 6-15, note that the link is made in response to the user wanting to make a call); and means adapted for connecting the communication links in an IP domain (page 11, lines 6-15, note that the calls are connected using a VoIP network).

As to **claim 26/21**, Corb teaches a communication element according to any one of claims 21 to 25 wherein the element is a switching server (web server 230).

As to **claim 29**, Corb teaches an IP router (fig. 31 Edge Gateway 212) adapted to establish of a communication between at least two end-points (page 6 lines 2-20), the router (fig. 31 Edge Gateway 212) being adapted to establish a PSTN communication link to a first end-point (note the connection between telephone device 102 and edge gateway 212 through PSTN 202. Also, page 6, line 35 to page 7, line 1 explain that the edge gateway 102 routes the call through the PSTN 202), establish a communication link to a second end-point (page 7 lines 4-6), and connect said established communications internally (page 8, lines 12-15 and page 11, lines 10-15).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **27 and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Corb.

As to **claim 27**, Corb teaches a communication element adapted (fig. 31 web server 230) to control the establishment of a communication between at least two end-points (page 11, lines 6-15, page 6 lines 12-34), comprising:  
means adapted for receiving a request including an identifier of a calling number and an identifier of an action (page 11, lines 6-15 and 19-21 teach that the calling number is entered for the purpose of making a call. Additionally, col. 5 lines 22-24 teach that the user sends commands via web server 230. Page 4 lines 36 to page 5, line 1 teach a web client on personal device 226 used to communicate with server);  
means adapted for verifying the request (page 10 lines 15-23 teach that authentication occurs in the network),  
and means adapted to transmit said request to an element for establishing the communication (page 5, lines 12-21, note that the web server 230 sends information to edge gateway 212).

It does not teach that the request is transmitted using XML-formatted messages.

However in a different embodiment found in page 12 lines 13-19, Corb teaches using XML in a client server interface. It would have been obvious to use XML messaging in the communication between web server 230 and edge gateway 212 since XML is a well known type of message that yields predictable results in an client server interface. Additionally, XML has the features to transform message structures to meet user needs.

As to **claim 28**, Corb teaches that the request comprises a message from any one of an e-mail client, a web client, an SMS client, a SOAP/HTTP client, or a WAP client (page 4, lines 35-36).

**Claims 6, 7, 10/6 and 10/7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Corb in view of Widegren et al, US Patent Application Publication 2003/0172160 (hereinafter referenced as Widegren).

As to **claim 6**, Corb teaches everything claimed, as applied to claim 3. However, Corb does not teach that the action is to access a streamed service, wherein the IP routing device connects the PSTN connection to the streamed service in the IP domain. In the same field of endeavor, Widegren teaches a user connected to a server to stream data (paragraph 5). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply the teachings of Widegren in Corb for the purpose of given users the flexibility to download data from a server.

As to **claim 7**, Corb teaches that the IP routing device being further adapted to route said PSTN connection to a mixing server adapted to receive the streamed service (page 5 lines 12-16, note that a mixing server is equivalent to the conferencing server 306).

As to **claims 10/6 and 10/7**, Corb teaches a method according to any preceding claim wherein the step of receiving an identifier of a calling number comprises identifying the originating number of a request for the action (page 11, lines 6-15).

**Claims 22-24, 26/22, 26/23, 26/24 and 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Corb in view of Baba et al, US Patent 7,184,418 (hereinafter referenced as Baba)

As to **claim 22**, Corb teaches everything claimed, as applied to claim 21. However, Corb does not teach that the request is an XML message and that the means adapted for establishing a communication link to the calling number and the means adapted for connecting the communication links in an IP domain comprising control means for transmitting SIP messages to an IP router.

In a different embodiment found in page 12, lines 13-19, Corb teaches using XML in a client server interface. It would have been obvious to use XML messaging in the communication between web server 230 and edge gateway 212, since XML is a well known type of message that yields predictable results in an client server interface. Additionally, XML has the features to efficiently transform message structures to meet user needs. In the same field of endeavor, Baba teaches the use of Sip messages between a router and controllers (fig. 7, note the SIP messages, col. 13, lines 60-67). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply the teachings of Baba in Corb since using the SIP protocol is well known in the art and yields predictable results. Additionally, SIP facilitates the convergence of services.

As to **claim 23**, Corb teaches that the SIP messages instruct the IP router to establish a PSTN connection to each party and connect such connections internally (page 6, lines 20-34 and page 11, lines 10-15).

As to **claim 24**, Corb teaches that if the action is to establish a call between a calling party and multiple called parties, the SIP messages instruct the IP router to establish a PSTN connection to each party and route such connections to a mixer in the IP domain (page 6, lines 20-34, page 6, lines 1-6 and page 11, lines 10-15).

As to **claims 26/22-26/24**, Corb teaches a communication element according to any one of claims 21 to 25 wherein the element is a switching server (web server 230).

**As to claim 30**, Corb teaches a communication system adapted to establishing a communication between at least two end-points (page 6, lines 28-34 and page 11, lines 6-15), comprising: a control server (fig. 31 web server 230) for receiving a request including an identifier of a calling number of one end-point and an identifier of an action (page 5, lines 22-25 and page 11 lines 6-15, 21 teach that the calling number is entered for the purpose of making a call ), and adapted to transmit said request in dependence upon said action (page 5, lines 22-25 and page 11, lines 6-15, note that the action is to establish a call), a switching control server (fig. 31 edge gateway 231) for receiving the request (page 5 lines 15-21); an IP router operating (fig. 31 Wan Switch 216) under the control of the switching control server (page 6 lines 12-16); the IP router being controlled for establishing a first communication link to the calling number of the one end-point (page 6, lines 12-30 and page 6, lines 35 to page 7, line 4);

wherein the switching controller further controls the IP router to connect the established communication link to the other end-point (page 6 lines 25-30, note the connections being established using the Wan Switch 216 and Edge Gateway 231).

However, Corb does not teach using XML format to transmit messages and SIP messages to control a router. In a different embodiment found in page 12, lines 13-19, Corb teaches using XML in a client server interface. It would have been obvious to use XML messaging in the communication between web server 230 and edge gateway 212 since XML is a well known type of message that yields predictable results in a client server interface. Additionally, XML has the features to transform message structures to meet user needs. In the same field of endeavor, Baba teaches the use of SIP messages between a router and controllers. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply the teachings of Baba in Corb since using the SIP protocol is well known in the art and yields predictable results. Additionally, SIP facilitates the convergence of services.

**Claims 25** and 26/25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corb in view of Baba et al, as applied to claim 22, and in further view of Widegren.

As to **claim 25**, Corb in view of Baba teaches everything claimed, as applied to claim 22. Additionally, the above mentioned teaches the use of a conferencing server 306 which is equivalent to a mixing server (page 5, lines 12-17). However it does not

teach that the server is adapted to receive the streamed service. In the same field of endeavor, Widegren teaches a user connected to a server to stream data (paragraph 5). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply the teachings of Widegren in the combination of Corb and Baba for the purpose of given users the flexibility to download data from a server.

As to **claim 26/25**, Corb teaches a communication element according to any one of claims 21 to 25 wherein the element is a switching server (web server 230).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo R. Ovando whose telephone number is 571-272-9752. The examiner can normally be reached on M-F 7:30 am to 5:00pm, EST, Alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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P.O.

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